

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-1972

Date: October 21, 2004

Applicant: Jeff Boyd and Jeanne Bloomberg

Address of Property: 5326 Pleasant Avenue South

Date Application Deemed Complete: September 16, 2004

End of 60 Day Decision Period: November 15, 2004

End of 120 Day Decision Period: January 14, 2005

Appeal Period Expiration: November 1, 2004

Contact Person and Phone: Keith Holton, 612-929-9688

Planning Staff and Phone: Carrie Flack, 612-673-3239

Ward: 11 **Neighborhood Organization:** Tangletown

Existing Zoning: R1, Single-family District

Proposed Use: Single family dwelling addition

Proposed Variance: A variance to reduce the required interior side yard setback from 6 ft. to 3 ft. to allow for an addition.

Zoning code section authorizing the requested variance: (1)

Background: The subject site is 48 ft. x 129 ft. (6,192 sq. ft.) and consists of a single family dwelling. The applicant is proposing to add a 5 ft. x 20 ft. addition onto the north side of the dwelling. The new addition will provide a half bath on the first floor and expand the existing kitchen area. The required interior side yard setback is 6 ft. The proposed addition will maintain a 3.5 ft setback.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Interior side yard setback: The applicant is seeking a variance to reduce the required interior side yard setback from 6 ft. to 3 ft to allow for a 5 ft. x 20 ft. addition onto the north side of the dwelling. The applicant has stated that due to the angled lot lines in the area, it is difficult to add onto the dwelling without seeking a variance. Strict adherence to the regulations would not allow for the proposed addition. Based on the submitted information staff believes that the addition seems reasonable.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Interior side yard setback: The circumstances upon which the setback variance is requested are unique to the parcel of property and have not been created by the applicant. The property consists of lot lines that are platted on an angle. The dwelling is not located on the property to be parallel with the side lot lines, but instead is located to be parallel with the front lot line. This prevented the dwelling from facing the street at an angle. Any modification to the north or south sides of the dwelling will require a variance due to the angled side lot lines. Adjacent lots are platted similarly on the block. The original platting of the property and the placement of the dwelling on the property were not circumstances created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Interior side yard setback: Granting the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The addition is minor (5ft. x 20 ft.). Due to the configuration of the property lines and the placement of the dwelling on the lot, the addition will be located 3 ft. 6 inches at the closest point to the north property line. At the furthest point the addition will be located 8 ft. from north property line. Therefore, a majority of the addition will be in compliance with the setback requirement. The new addition will maintain the same roof pitch as the existing house and the materials will be stucco to match the dwelling.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

CPED Planning Division Report
BZZ-1972

Interior side yard setback: Granting the variance would likely have no impact on the congestion of area streets, increase fire safety or be detrimental to the public welfare or endanger the public safety.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** the variance to reduce the required interior side yard setback from 6 ft. to 3 ft. to allow for an addition subject to the following conditions:

1. That the Planning Division review and approve final site, landscaping, floor, and elevation plans.